



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 14 2019

CERTIFIED MAIL 7018 2290 0000 9993 5330

RETURN RECEIPT REQUESTED

Mr. William M. Clark

(b) (6)

RE: Information Request Letter 308-019-001

Dear Mr. Clark:

The U.S. Environmental Protection Agency, Region 4 has learned that an unauthorized discharge of dredged and/or fill material has occurred in waters of the United States at property owned by you without a U.S. Army Corps of Engineers (Corps) Clean Water Act (CWA) Section 404 permit, as required by 33 U.S.C. § 1344. The property is located in Washington County, Alabama, at or near latitude 31.366791°N, longitude 88.116051°W (see Exhibits A and B of the enclosed Information Request). As the Corps notified you in a letter dated April 4, 2018, the Corps received a complaint report from a concerned citizen regarding the possible unauthorized construction of a large 52-acre impoundment in Little Boggy Branch and adjacent wetlands draining to Copeland Creek.

The purpose of this letter is to evaluate your compliance with the requirements of Section 404 of the CWA, 33 U.S.C. § 1344. Therefore, pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, the EPA hereby requests that you provide the information set forth in the enclosed Information Request within thirty (30) days of receipt of this letter. The EPA requests that the information be physically mailed to the below address. It should not be sent electronically. Your response should be sent to:

Mr. Zach Schlachter
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center
Marine Regulatory and Wetlands Enforcement Section, 15th Floor
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Failure to provide a full and complete response to this information request or to adequately justify a failure to respond within the time frame specified above may result in an EPA enforcement action pursuant to federal law, including, but not limited to, Section 309 of the CWA, 33 U.S.C. § 1319, and 18 U.S.C. § 1001.

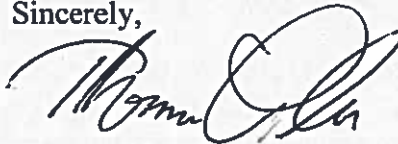
If you believe that any of the requested information is Confidential Business Information (CBI), you may assert a business confidentiality claim with respect to such information in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Subpart B, Part 2, 40 C.F.R. § 2.201 *et seq.* Please separate documents that you wish to protect as CBI from non-confidential documents. Sending

documents claimed as CBI electronically to the EPA is done at the risk of the claimant, as the EPA does not have the capability to encrypt electronic information. The EPA requests that any such information be physically mailed to the address provided. If you do not assert a CBI claim, the EPA may make information submitted under this request available to the public without further notice to you. Additional information regarding the EPA's requirements for confidential treatment of information can be found in Subpart B, Part 2, 40 C.F.R. § 2.201 *et seq.*

The EPA has also enclosed a document that provides information for small businesses that may be subject to an EPA enforcement action. This document is for your use and to assist you in understanding the compliance assistance resources and tools available to you. Any decision to seek compliance assistance at this time, however, does not relieve you of your obligation to the EPA nor does it create any new rights or defenses and will not affect the EPA's decision to pursue an enforcement action.

If you have any questions concerning this matter, please contact Mr. Zachary Schlachter at (404) 562-9267, or, if represented by counsel, have your attorney contact Ms. Suzanne Armor, Associate Regional Counsel, at (404) 562-9701.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas McGill', with a stylized flourish at the end.

Thomas McGill

Chief

Ocean, Wetlands and Streams Protection Branch

Enclosure

cc: Mr. Eric Buckelew, Senior Project Manager, U.S. Army Corps of Engineers, Regulatory Division
Mr. Jeff Kitchens, Chief, Alabama Department of Environmental Management

CLEAN WATER ACT SECTION 308 INFORMATION REQUEST

Instructions

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this information request.
2. Precede each answer with the number of the Question to which it corresponds.
3. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
4. You must provide the information requested even though you may contend that it includes confidential business information (CBI) such as trade secrets. You may, if you desire, assert a CBI claim covering part or all of the information requested, under 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet with the words "trade secret," "proprietary," or "company confidential" stamped or typed on it. Information covered by such claim will be disclosed by the Environmental Protection Agency (EPA) only to the extent, and only by means, of the procedures set forth in the regulation set forth above. **If you do not assert a confidentiality claim, when you submit your information to the EPA, the EPA may disclose the information to the public without further notice to you.** You should read the above cited regulations carefully before asserting a CBI claim, since certain categories of information are not properly the subject of such a claim.

Definitions

The following definitions shall apply to the following words as they appear in the Questions below:

1. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in the Clean Water Act (CWA) or its implementing regulations, in which case the statutory or regulatory definitions shall control.
2. Words in the masculine may be construed in the feminine if appropriate, and vice versa, and words in the singular may be construed in the plural if appropriate, and vice versa, in the context of a particular question or questions.
3. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed outside its scope.
4. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last

known home address and home telephone number, and present or last known job title, position or business.

5. The term "identify" means, with respect to a document, to provide its customary business description; its date; its number, if any (invoice or purchase order number); the identity of the author, addressee, and/or recipient; and substance of the subject matter.

6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

7. The term "Discharge Area" means the wetlands and tributaries that have been impacted either through filling, excavating or mechanical land clearing with side cast of dredged and/or fill material. More specifically, the Discharge Area includes wetlands situated on the Site, in Washington County, Alabama, at or near latitude 31.366791°N, longitude 88.116051°W.

8. The term "Site" means the parcel or parcels of land on which the Discharge Area is located and is contained within Section 30, Township 5-N, Range 1-W, Washington County, Alabama. *See* Exhibits A (large-scale Site map) and B (small-scale Site map).

9. The term "Work" means any land clearing activities, ditching, dredging, side casting, road construction, stream crossing construction, dam construction, berm construction, mechanical land clearing, piping of streams, inundation of wetland and/or streams, or filling activities that have occurred in wetlands or other waters of the United States located at the Site since you owned, controlled, or conducted any Work on the Site.

10. The term "you", "your", and/or "Respondent" shall mean William Mark Clark, and/or any company, entity, or corporation that has directed work at the Site.

Questions

Please provide the EPA with the following information or documents pertaining to the Site identified in Exhibits A and B:

1. Copies of any deeds, leases, easements, or other documents revealing any and all ownership interests in the Site.

2. The name and address of any corporation, contractor, subcontractor, consultant, agent, individual, or employee, including the Respondent, who directed or participated in the Work at the Site.

3. The equipment used to carry out the Work, and the names and addresses of the person and/or companies that own and/or operated such equipment.
4. The date upon which the Work commenced and the date upon which the Work was completed or will be completed.
5. A description of all the Work performed by the Respondent, or on behalf of the Respondent by its contractor(s), subcontractor(s), consultants(s), agent(s), or employee(s). In addition, list any entity or individual other than the Respondent, its contractor(s), subcontractor(s), consultants(s), agent(s), or employee(s) who performed any of the Work.
6. State whether the Work was performed on behalf of the Respondent. If the Work was not performed on behalf of the Respondent, state for whom the Work was performed.
7. A description of all planned activities of which the Work was a part, including, but not limited to, all maps, drawings, and engineering plans.
8. A description of the physical condition of the overall Site and the Discharge Area before Work commenced, including, but not limited to, all wetlands, biota, soil, and hydrology.
9. Copies of any and all on-site environmental assessments, including environmental assessments of soils, vegetation, or hydrology, that were done at the Site.
10. Copies of any and all federal, state, or local permits that may have been received for the Work on the Site, and any and all applications for such permits.
11. Your reasons for not obtaining a federal permit under section 404 of the CWA prior to commencing the Work.
12. Plans for any additional filling, dredging, or land disturbing activities at the Site.
13. Copies of any and all documents regarding any written or verbal communication you have had with any federal, state, or local agency regarding the Work.
14. Copies of any and all contracts pertaining to the Work at the Site.
15. A description of any other properties owned by the Respondent where the Respondent, or the Respondent's contractor(s), subcontractor(s), consultants(s), agent(s), or employee(s), has performed filling, dredging, or land disturbing activities. If such locations exist, please provide copies of any federal, state, or local permits that may have been received for those activities at those locations.
16. Describe the current use(s) of the lake and anticipated future use.

17. Please identify the individual or individuals who prepared the responses to this Information Request.

At the end of your response to this information request, please include the following certification:

"I certify that I have personally reviewed the information contained in this response to the information request and the response is truthful, accurate and complete. I further certify that the response to the information request contains all documents responsive to the request. I am aware that there are significant penalties for submitting false information including the possibility of further enforcement under the CWA."

Name
Title

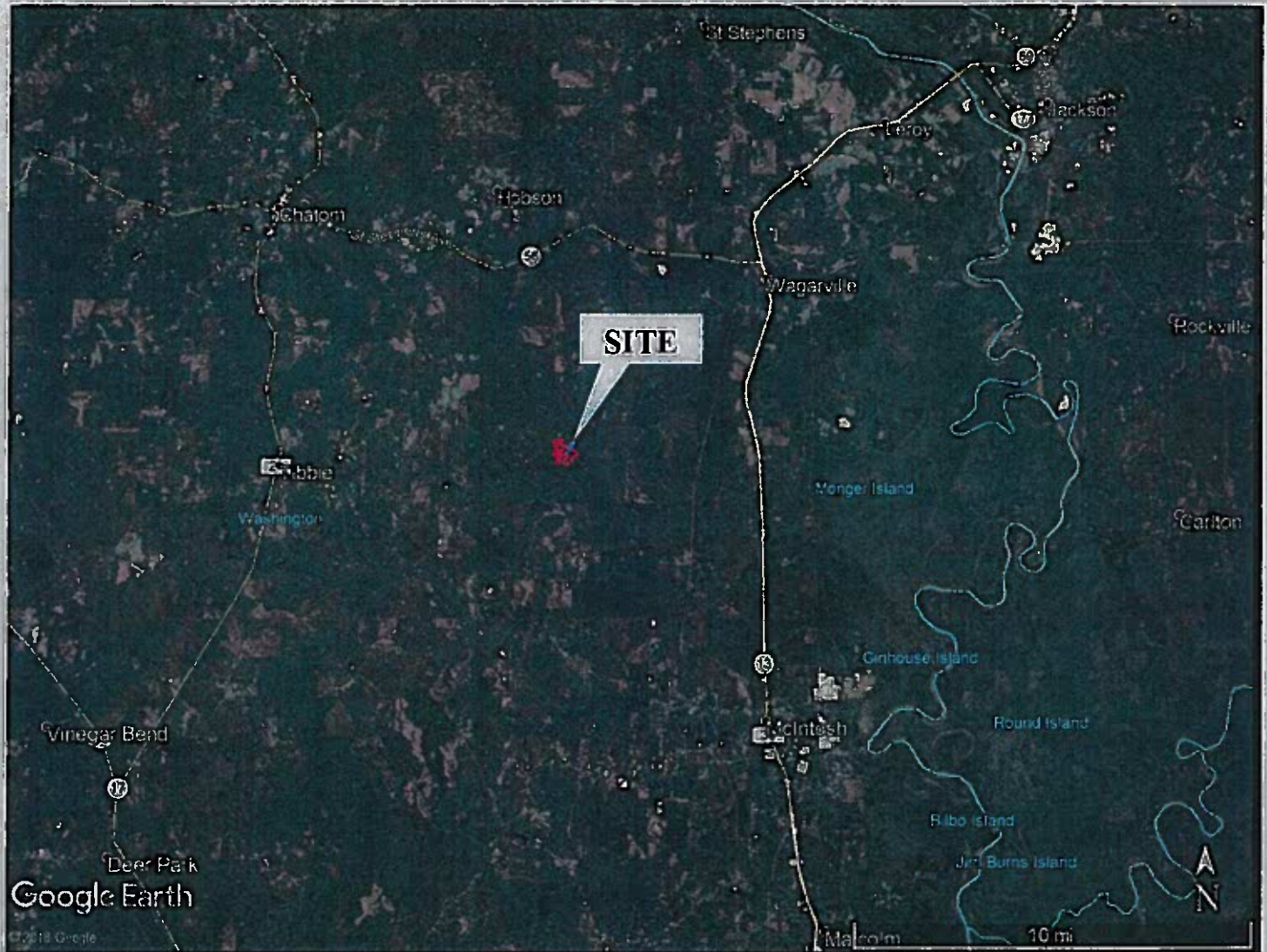
EXHIBIT A

EXHIBIT A
Clark Impoundment
Washington County, Alabama



EXHIBIT B

EXHIBIT B
Clark Impoundment
Washington County, Alabama



CC - U.S. Army Corps of Engineers,
Mobile District Regulatory Division
Attn: Eric Buckelew
109 St. Joseph Street
Mobile, AL 36601

Stormwater Management Branch
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463
Attn: Jeff Kitchens

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U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$	Postmark Here FEB 14 2019
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
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Postage \$	
Total Postage \$	Mr. William M. Clark
Sent To \$	(b) (6)
Street and #	
City, State, .	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

CONCURRENCE

T:\Wetlands Enforcement\Enf Comp Insp ONLY\AL\Clark Impoundment\308\308 Request

SDF Flowers Schlachter Armor Derby McGill
2/12/19 2/13/19 2/14/19 2/14/19